

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,  
Plaintiff,

-vs-

**ORDER**

Criminal Action No. 1:13-cr-339 (MAD)

JAMESE L. WILLIAMS, ET AL.,  
Defendants.

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BASED ON THE JOINT STIPULATION AND THE FOLLOWING FINDINGS, IT IS  
HEREBY ORDERED:

1. That the ninety (90) day period, from February 18, 2014 to and including **May 18, 2014**, shall be excludable in computing time under the Speedy Trial Act. Based on the stipulated facts and findings set forth in the joint stipulation which the Court incorporates into this Order and adopts them as findings, the Court further finds, pursuant to 18 U.S.C. §3161(h)(7), that the ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial.

2. The deadline for the completion of discovery by the United States shall be completed on or before **May 20, 2014** (otherwise due within 14 days of arraignment pursuant to Local Rules of Criminal Procedure and the Criminal Pretrial Order). The deadline for the completion of reciprocal discovery by the Defendant shall be completed on or before **May 27, 2014** (otherwise due within 21 days of arraignment pursuant to Local Rules of Criminal Procedure and the Criminal Pretrial order).

3. Any pretrial motions in this case shall be filed on or before **June 2, 2014** and shall be made returnable on July 1, 2014 on submit before Judge Mae A. D'Agostino with no

appearances necessary.

4. Any change of plea shall be entered on or before **July 2, 2014**.
5. All pretrial submissions as set forth in the amended criminal pretrial scheduling order (*Dkt #2*) are due on or before **July 7, 2014**.
6. A Final Pretrial Conference will be held on **July 15, 2014 at 10:00 a.m.** in Albany before Judge Mae A. D'Agostino. Counsel are directed to report to Judge D'Agostino's chambers for this conference.
7. Jury Trial is scheduled to commence on **July 21, 2014 at 9:30 a.m.** before Judge Mae A. D'Agostino in Albany, New York.

IT IS SO ORDERED

Dated: February 18, 2014  
Albany, New York

  
Mae A. D'Agostino  
U.S. District Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

Criminal Action No. 1:13-CR-339 (MAD)

v.

JAMESE L. WILLIAMS and  
TERRY R. NICHOLAS,

Defendants.

STIPULATION AND ORDER  
FOR ENLARGEMENT OF TIME

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STIPULATION

Brian W. Devane, the attorney for defendant James L. Williams, and Timothy E. Austin, the attorney for defendant Terry R. Nicholas in the above-captioned action, having moved for a continuance of ninety (90) days within which the defense may prepare motions, explore plea discussions, and prepare for trial, and Richard S. Hartunian, United States Attorney for the Northern District of New York (by Jeffrey Carll Coffman, Assistant United States Attorney), having consented to the continuance and the proposed exclusion of a ninety (90) day period under the Speedy Trial Act, pursuant to Title 18, United States Code, Section 3161(h)(7)(A), the parties hereby stipulate and agree as follows:

1. The chronology of this case is as follows:
  - a. Date of indictment: September 4, 2013.
  - b. Dates of initial appearance and arraignment: Williams appeared and was arraigned on November 8, 2013. Nicholas appeared and was arraigned on January 13, 2014.
  - c. Defendants' custody status: Williams was released with conditions. Nicholas was detained pending trial.

- d. Prior enlargements of time and exclusions under the Speedy Trial Act: By order dated December 3, 2013, the Court excluded the period of time from December 3, 2013 through March 2, 2014.
2. The defendants have requested the continuance based on the following facts and circumstances:
  - a. On November 8, 2013, Williams was arraigned on three counts of a five-count indictment alleging that the defendant engaged in a conspiracy to commit access device fraud and aggravated identity theft, in violation of 18 U.S.C. §§ 1029(b)(2), 1029(a)(1), and 1028A(a)(1).
  - b. Codefendant Terry Nicholas, who was incarcerated out of state at the time of Williams' initial appearance, appeared was arraigned on similar charges on January 13, 2014.
  - c. In accordance with the Court's pretrial order, the government has provided discovery to the defendants, including several hours of surveillance video from dozens of dates and locations.
  - d. Pretrial motions are due on February 14, 2014. The defendants will need additional time to research and prepare motions.
  - e. The parties stipulate and agree that the ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial. The nature of the investigation, its complexity, and the need for the defense to review the discovery, to conduct its own investigation, and to explore plea discussions, make it unreasonable to expect the defense to submit motions by

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ATTN: Jeff Coffman, Esq.

February 14, 2014 and be prepared to defend the case by April 14, 2014 (the presently scheduled trial date), taking into account the exercise of due diligence.

3. The parties stipulate and agree that the time period running ninety (90) days from the date of this order shall be excludable under the Speedy Trial Act pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B)(iv).
4. The undersigned attorneys affirm under penalty of perjury the accuracy of the facts set forth above and apply for and consent to the proposed order set forth below.

Dated: February \_\_\_\_\_, 2014

RICHARD S. HARTUNIAN  
United States Attorney

By: Jeffrey C. Coffman  
Assistant U.S. Attorney  
Bar Roll No. 517969

Brian W. Devane  
Brian W. Devane, Esq.  
Attorney for James L. Williams  
Bar Roll No. 501138

Timothy E. Austin, Esq.  
Attorney for Terry R. Nicholas  
Bar Roll No.

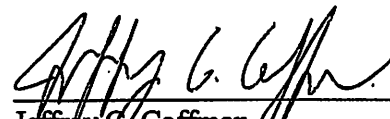
February 14, 2014 and be prepared to defend the case by April 14, 2014 (the presently scheduled trial date), taking into account the exercise of due diligence.

3. The parties stipulate and agree that the time period running ninety (90) days from the date of this order shall be excludable under the Speedy Trial Act pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B)(iv).
4. The undersigned attorneys affirm under penalty of perjury the accuracy of the facts set forth above and apply for and consent to the proposed order set forth below.

Dated: February 13, 2014


RICHARD S. HARTUNIAN  
United States Attorney

By:

  
Jeffrey C. Coffman  
Assistant U.S. Attorney  
Bar Roll No. 517969

\_\_\_\_\_  
Brian W. Devane, Esq.  
Attorney for James L. Williams  
Bar Roll No.

\_\_\_\_\_  
Timothy E.  
Austin

 Digitally signed by Timothy E. Austin  
DN: cn=Timothy E. Austin, o=Office of the  
Federal Public Defender, N.D.N.Y., ou,  
email=tim\_austin@fd.org, c=US  
Date: 2014.02.13 13:05:31 -0500

\_\_\_\_\_  
Timothy E. Austin, Esq.  
Attorney for Terry R. Nicholas  
Bar Roll No. 508098

ORDER

A. The Court incorporates into this Order the stipulated facts set forth above and hereby adopts them as findings.

B. The Court has considered its obligation under 18 U.S.C. § 3161(h)(7)(A) to determine whether a continuance serves the ends of justice in a manner that outweighs both the public interest and the defendant's rights. The Court finds that pursuant to 18 U.S.C. § 3161(h)(7)(A), the ends of justice served by granting the requested continuance outweigh the best interests of the public and the defendant in a speedy trial because the nature of the investigation, its complexity, the need for the defense to review evidence and conduct its own investigation, make the requested delay necessary, taking into account the exercise of due diligence.

BASED ON THE STIPULATED FACTS AND THE COURT'S RELATED FINDINGS  
IT IS HEREBY ORDERED:

A. A period of ninety (90) days, beginning on \_\_\_\_\_ through \_\_\_\_\_ shall be excludable in computing time under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv) in order to give the parties the reasonable time necessary for effective preparation.

B. The deadline for the completion of discovery by the United States (otherwise due within 14 days of arraignment pursuant to the terms of the Local Rules of Criminal Procedure and

the Criminal Pretrial Order) will be extended to \_\_\_\_\_.

The deadline for the completion of reciprocal discovery by the Defendant (otherwise due within 21 days of arraignment pursuant to the terms of the Local Rules of Criminal Procedure and the Criminal Pretrial Order) will be extended to \_\_\_\_\_.

C. Any pretrial motions in this case shall be filed on or before \_\_\_\_\_ and shall be made returnable on the Court's next available return date.

D. The trial in this matter shall begin on \_\_\_\_\_ before United States District Judge Mae A. D'Agostino in Albany, New York or, in the alternative, a change of plea shall be entered on or before \_\_\_\_\_.

Dated: \_\_\_\_\_, 2014

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Hon. Mae A. D'Agostino  
U.S. District Judge  
Northern District of New York